Federal Communications Commission Washington, DC 20554

In regards to:)		
)		
Public Comment to Petition for)	RM-11699	
Rule Making on Behalf of Proceeding)		
RM-11699 The use of Encryption in)		
Amateur Radio Communications)		

To the Commission:

This letter is being written to the commission to express my opposition to the use of encryption in the amateur radio service. I have the opinion that Part 97, as it is written, does not prevent or hinder amateur radio operators from participating productively in emergency communications situations.

In the two years I have been an active radio operator, I have never once been in a situation where encryption was ever needed to be HIPAA compliant or to protect the identity or safety of an individual. I believe that more harm would come from using encryption rather than not. There will be abuse of encryption, I know this to be fact, and I have been approached by amateur radio operators in regards to my knowledge of encryption techniques. Rule making that only one type or specific key can be used, as some suggest, will render encryption useless. The party who is not supposed to receive sensitive traffic could intercept the traffic, and those who want to abuse the system, will simply use another key. Title 47 Part 97.113-4 supports this, in that messages encoded for the purpose of obscuring their meaning shall not be used. Many radios capable of encryption do not properly identify the station in an unencrypted fashion per Part 97.119.

I have the fear that commercial organizations, insurance companies, and HIPAA are motivating the idea of the use of encryption in our service. Hospitals have large budgets and infrastructure that can support their mission. Parts 97.113 (2&3) in regards to pecuniary interest border heavily with what is being proposed. Care giving facilities should also be prepared for disasters and failures of primary and secondary communications systems, and most are. Part 97.113-5 supports this in that if communications can be furnished through other services it should be, and that it should be known, that IF a hospital were to utilize amateur radio operations it would be a dire situation and encryption would NOT be an option.

Matters that are serious enough to include radio encryption should be handled by the appropriate responding authorities, ie. police, fire, ambulance and military. I do not believe that this specific traffic should be handled by volunteers, unless the ultimate safety of life is at stake at which point, the parties included won't have a care about encryption. The qualifications of these volunteers are not present to justify such a huge modification of Part 97. We are not professionals. We are volunteers that act in a professional nature.

Another unintended consequence of using encryption will be the cost of the equipment. While lower end units capable of encryption start around six hundred dollars, many and most of them are over two thousand dollars. The benefit of using higher end units will ensure inter-operation between first responders and operators, however I do not believe that most operators will be able or willing to afford for themselves or a club to purchase this equipment. Choosing a standard for both modulation type and key type would also be very challenging.

Current solutions to the encryption dilemma do exist, and are used on a daily basis on the local and state level. Analog non-encrypted repeaters exist nationwide for the use interoperability. Ambulances can and do use these when entering an area of operations that they are not equipped to use the state's or county's trunked equipment. They are able to pass traffic about patient care, without identifying the patient specifically. If the professionals can do this, we as amateur radio operators can as well. If identifiers must be used, they can be assigned and only be known by hospital personnel.

I am currently a Communications Systems Specialist in the LMR field working for and with first responders at the State level. My background consists of an A.A.S. In Electrical Engineering, GROL with Ship RADAR endorsement and three years of working experience with Motorola SmartNet/Zone Systems for first responders. I regularly work with encryption on both a local and federal level. I am also an extra class amateur radio operator of two and a half years with the call sign AA3A. I feel that this ruling is important both personally and professionally and I am NOT in support of the changes that have been brought forward by the FCC, RACES/ARES groups, and private care-giving organizations.

Sincerely Submitted, Martin E. Keefe PG00036527 AA3A